



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of

Hodes, Mark B.

Application No. 10/061,891

Filed October 26, 2001

Examiner: Steven S. Paik
Group Art Unit 2876

26 North Second Street

Memphis, Tennessee 38103

October 23, 2003

Hon. Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22312-1450

**PETITION FOR TWO MONTH EXTENSION OF TIME FOR RESPONSE
TO NON-FINAL OFFICE ACTION**

1. On May 5, 2003, the Esteemed Examiner mailed an office action requiring election/restriction of the claims of the subject application.

2. Three days prior, on May 2, 2003 the Esteemed Examiner had contacted counsel for the applicant, Todd B. Murrah, to discuss the election/restriction. In that conversation, counsel for the applicant informed the Esteemed Examiner that counsel of record must speak with the applicant regarding the restriction. It was after that conversation that the written office action was **inadvertently** mailed to the applicant and not applicant's counsel. There was some delay before applicant's counsel of record

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realized it and a written office action had been mailed.

3. On July 30, 2003 Election of Claims was mailed first class mail for filing. A copy of the Election of Claims is attached. Also attached and marked as Exhibit B is the certified mail receipt from the United States Postal Service stamped "RECEIVED" by the U. S. PTO mail sender on August 1, 2003.

Based on the foregoing, the applicant respectfully submits a check made payable to the United States Patent and Trademark Office in the amount of \$205.00 constituting the requisite extension fee for a response filed within the second month of extension pursuant to 37 C.F.R. 1.17(a)(2). Applicant respectfully requests that the extension be granted.

Respectfully submitted,

**GLASSMAN, EDWARDS, WADE
& WYATT, P.C.**

By: 

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